

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING**

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Civil Action No. 5:05-cv-202

ROBERT V. GILKISON, *et al.*,

Defendants.

PLAINTIFF, CSX TRANSPORTATION, INC.'S REQUESTED VOIRE DIRE

Plaintiff, CSX Transportation, Inc. requests that the following questions be propounded to prospective jurors during voir dire. CSXT further requests that jurors making responses be identified by name at the time of responding.

1. Has anyone on the jury panel ever met or otherwise become acquainted with:

- Ricky D. May
- Daniel L. Jayne
- Robert V. Gilkison
- Robert Peirce, Jr., Esquire
- Douglas Greer
- Alexander Nepa
- Mark T. Wade, Esquire
- Alexander Nepa, Jr.
- Ron Close
- John Thompson
- Dr. Irwin Beckman
- Danielle Daley
- Mark Coulter, Esquire

2. Have you or any member of your family ever been a party to a lawsuit, either as a plaintiff or a defendant? If any member of the jury panel responds affirmatively to this question, the Plaintiff requests that the Court inquire into the nature and disposition of that lawsuit.

3. How about a witness in a lawsuit? If any member of the jury panel responds affirmatively to this question, the Plaintiff requests that the Court inquire of each responder if they offered testimony for the plaintiff or defendant in the lawsuit.
4. Have any of you, members of your family, or close friends ever been diagnosed with asbestosis or any asbestos related illness?
5. Has any member of the jury panel ever been through a screening examination for asbestosis? If any member of the jury panel responds affirmatively to this question, the Plaintiff requests that the Court inquire into the nature of that screening, outside the presence of the remaining members of the panel, including if the screening was sponsored by a law firm or union.
6. Have you or any member of your family been employed by or represented in a lawsuit by the law firm of Robert Peirce & Associates, also known as Peirce Raimond & Coulter, P.C. out of Pittsburgh, Pennsylvania.
7. In this lawsuit, CSXT claims that it has suffered damage because it was fraudulent induced into settling an asbestosis claim based upon the actions of the Defendants? Do any of you have any knowledge, either direct or indirect, concerning this lawsuit? If any member of the jury panel responds affirmatively to this question, the Plaintiff requests that the Court inquire into the nature of that knowledge outside the presence of the remaining members of the panel.
8. Does anyone disagree with the idea that if someone knows that an individual is doing something wrong that will injure another party, that individual has a responsibility to report the party committing the wrong?
9. Has anyone here ever reported someone for doing something they felt was wrong?
10. Have you or any member of your family ever been a victim of fraud? If any member of the jury panel responds affirmatively to this question, the Plaintiff requests that the Court inquire into the nature of the fraud.
11. Do any of you disagree with the propositions that companies, like CSX Transportation, stand on the same footing before the law with that of individuals?
12. Would any of you refuse or even hesitate to return a verdict for the Plaintiff solely on the basis that it is a corporation?
13. Does anyone disagree with the idea that an employer should be responsible for the actions of its employee.
14. Have you ever served as a juror either in a criminal or civil case? (If any member of the jury panel responds affirmatively to this question, the Plaintiff requests that the Court inquire as to the nature and circumstances of that prior jury service).

15. Has any member of the jury panel read about this case in any newspaper?
16. Has any member of the jury panel ever studied medicine, nursing or the like or had any type of training in any related medical field?
17. Do any of you know or have any other relationship with the attorneys for the Defendants, Walter DeForest, David Berardinelli with the law firm of DeForest Koscelnik Yokitis & Kaplan, located in Pittsburgh, Pennsylvania, Robert Lockhart or Daniel R. Schuda with the law firm of Schuda & Associates, PLLC, located in Charleston, West Virginia, Stanley Greenfield with the law firm of Greenfield & Kraut, located in Pittsburgh, Pennsylvania, John E. Gompers with the law firm of Gompers, McCarthy & McClure located in Wheeling, West Virginia, or Marc E. Williams or Robert L. Massie with the law firm of Huddleston Bolen LLP in Huntington, West Virginia?
18. Were any of you aware that this case was going to be tried today prior to your coming here this morning?
19. Have any of you retained the services of a lawyer to pursue a personal injury action lawsuit?
20. Have you or any member of your family been diagnosed with a disease caused by a work-place exposure?
21. Have you or someone very close to you been involved in a lawsuit in which there was a claim that asbestos had injured you or the person close to you? CSXT requests that to the extent that a juror answers in the affirmative that an additional question be posed to that juror individually:
 - a. Were you satisfied or unsatisfied with the result of that case?
22. Does anyone, for whatever reason, have what you would describe as very negative feelings about large companies? CSXT requests that to the extent that any juror answers in the affirmative that counsel be allowed to question this juror, outside the presence of the other jurors as to such feelings.
23. Would you say that you are someone who strongly suspects that big companies would take advantage of or abuse their workforce if they thought they could get away with it?
24. Does anyone have any negative feelings toward railroad companies in general? CSXT requests that to the extent that any juror answers in the affirmative that counsel be allowed to question this juror, outside the presence of the other jurors as to such feelings.
25. How about CSX in particular? CSXT requests that to the extent that any juror answers in the affirmative that counsel be allowed to question this juror, outside the presence of the other jurors as to such feelings.

26. Does anyone here for whatever reason already suspect or believe that you would have a hard time being completely fair to a railroad, like CSX, when it is involved in a lawsuit with a group of individuals? CSXT requests that to the extent that any juror answers in the affirmative that counsel be allowed to question this juror, outside the presence of the other jurors as to such feelings.
27. Has anyone here ever worked for CSX or some other railroad? Has someone very close to you ever worked for CSX or another railroad? If any juror responds in the affirmative CSXT requests that Court make the following inquiry:
- a. Do you feel that the railroad treated you, or the person close to you, in an unfair manner?
28. Have you, any member of your family, or a close friend ever worked for any railroad company?
29. Are you personally, or is someone very close to you, a member of a union? If any juror responds in the affirmative CSXT requests that Court make the following inquiry:
- a. Are you, or is this person close to you, active in the union?
30. Do you have any experience or special training in the law?
31. Have you ever been falsely accused of wrongdoing?
32. Have you or anyone close to you worked for a law firm that represents plaintiffs (injured or wronged parties) in lawsuits? If any juror responds in the affirmative CSXT requests that the Court inquire into the nature of the employment and the employer.

CSX TRANSPORTATION, INC.

By /s/ Marc E. Williams
Of Counsel

Marc E. Williams, Esquire
Robert L. Massie, Esquire
J. David Bolen, Esquire
HUDDLESTON BOLEN LLP
611 Third Avenue
P.O. Box 2185
Huntington, WV 25722-2185
(304) 529-6181--Telephone
(304) 522-4312—Facsimile

E. Duncan Getchell, Jr., Esquire
Samuel L. Tarry, Jr., Esquire
Mitchell K. Morris, Esquire
MCGUIREWOODS LLP
One James Center
901 East Cary Street
Richmond, VA 23219-4030
(804) 775-7873—Telephone
(80) 698-2188—Facsimile

COUNSEL FOR THE PLAINTIFF
CSX TRANSPORTATION, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING**

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Civil Action No. 5:05-CV-202

**ROBERT V. GILKISON; PEIRCE,
RAIMOND & COULTER, P.C.,
A Pennsylvania Professional Corporation a/k/a
ROBERT PEIRCE & ASSOCIATES, P.C., a
Pennsylvania Professional Corporation: ROBERT
PEIRCE, JR.; LOUIS A. RAIMOND; MARK T.
COULTER; AND RAY HARRON, M.D.,**

Defendants.

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he served the foregoing "*Plaintiff, CSX Transportation, Inc.'s Requested Voire Dire*" upon the following individuals via electronic filing with the Court's CM/ECF system, on the 28th day of July 2009:

Daniel R. Schuda, Esquire
SCHUDA & ASSOCIATES, PLLC
232 Capitol Street, Suite 200
P.O. Box 3425
Charleston, WV 25335-3425

Walter P. DeForest, Esquire
**DEFOREST KOSCELNIK
YOKITIS & KAPLAN**
3000 Koppers Building
Pittsburgh, PA 15219

Stanley W. Greenfield, Esquire
GREENFIELD & KRAUT
1040 Fifth Avenue
Pittsburgh, PA 15219

Ron Barroso, Esquire
5350 S. Staples
Suite 401
Corpus Christi, TX 78411

John E. Gompers, Esquire
GOMPERS, McCARTHY & McCLURE
60 Fourteenth Street
Wheeling, WV 26003

Jerald E. Jones, Esquire
WEST & JONES
360 Washington Avenue
P.O. Box 2348
Clarksburg, West Virginia 26302-2348

Lawrence S. Goldman, Esquire
Elizabeth M. Johnson, Esquire
**LAW OFFICES OF LAWRENCE S.
GOLDMAN**
500 Fifth Avenue, 29th Floor
New York, NY 10110

/s/ Marc E. Williams